

PROB 12B
(7/06)

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: James Earl Dunn, Jr. Case Number: 4:07CR00226-001

Name of Sentencing Judge: The Honorable Lee H. Rosenthal

Date of Original Sentence: September 3, 2009

Original Offense: Fraudulent claims against the government; 18 U.S.C. § 287.

Original Sentence: 33 months incarceration; three years of supervised release; \$100 special assessment; restitution of \$335,955. Special conditions: Financial disclosure, defendant is prohibited from incurring new credit charges or opening additional lines of credit, The defendant is prohibited from holding employment in a fiduciary role during the term of supervision

Type of Supervision: Supervised Release Date Supervision Commenced: March 10, 2014

EARLIER COURT ACTION

None

PETITIONING THE COURT

☐ To extend the term of supervision for year, for a total term of years.

☒ To modify the conditions of supervision as follows:

RESTITUTION: The defendant shall make restitution payments in monthly installments of at least \$100.00, beginning October 1, 2014.

James Earl Dunn, Jr.
Docket No. 4:07CR00226-001
Pg. 2

CAUSE

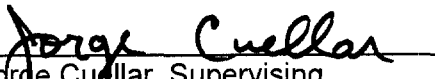
James Earl Dunn, Jr., has been on supervised release since March 10, 2014. At sentencing, the Court ordered Mr. Dunn pay a \$335,955.00 restitution beginning 30 days after release in installments of \$1000.00 over a period of 3 years. Since that time he has paid \$525.00 on his restitution.

An in-depth analysis has been conducted of his financial situation, consisting of an examination of financial documents (pay stubs, monthly bills, etc.), a personal interview, a review of his credit report and a home inspection.

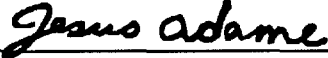
The defendant works in a warehouse, and is having difficulty making his Court ordered payments. He relies on his sister for financial support until he can find a better paying job. Based on this officer's assessment, after conducting a financial investigation of James Earl Dunn's Jr.'s income and allowable expenses, the probation office recommends his restitution payment be set at \$100.00 a month beginning October 1, 2014.

The Probation Officer will continue to conduct periodic examinations of his financial situation to determine if his monthly payments can be increased. Mr. Dunn voluntarily waived his statutory right to a hearing and to assistance of counsel and has agreed to this modification of conditions on the attached waiver.

Approved:


Jorge Cuellar, Supervising
U.S. Probation Officer
September 2, 2014

Respectfully submitted:

by 
Jesus Adame
U.S. Probation Officer

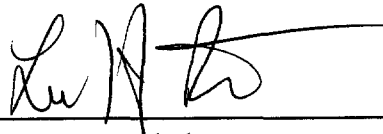
Name of Offender: James Earl Dunn, Jr.

Case Number: 4:07CR00226-001

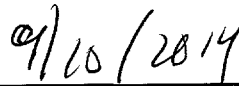
Page Number: 3

THE COURT ORDERS:

- ☐ No Action
- ☐ Extended Supervision as Noted
- ☒ Modify Conditions as Noted
- ☐ Other:



Lee H. Rosenthal
U. S. District Judge



Date

PROB 49
(7/06)

RE: Dunn, James Earl, Jr.
Dkt: 4:07CR00226-001

**UNITED STATES DISTRICT COURT
for the
Southern District of Texas**

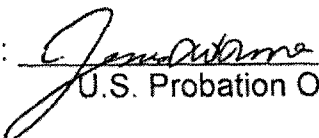
**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

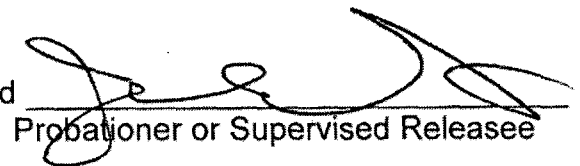
I voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or the proposed extension of my term of supervision:

RESTITUTION: The defendant shall make restitution payments in monthly installments of at least \$100.00, beginning October 1, 2014.

Witness:


U.S. Probation Officer

Signed


Probationer or Supervised Releasee

Date:

9-9-2014

Date:

9-2-2014